

# CABINET MEMBER SIGNING

**Wednesday, 8th March, 2023, 10.30 am**

**Councillors:** Ruth Gordon

## **1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

## **2. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

## **3. CIVIC CENTRE PROJECT - HAWKINS BROWN DESIGN LTD CONTRACT AWARD (PAGES 1 - 6)**

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Tuesday, 28 February 2023

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**Report for:** Cabinet Member for Council House Building, Placemaking and Development

**Title:** Civic Centre Project - Hawkins Brown Design Ltd Contract Award

**Report authorised by:** David Joyce, Director of Housing, Regeneration and Planning

**Lead Officer:** Jonathan Kirby, Assistant Director for Capital Projects and Property

**Ward(s) affected:** Woodside/ All Wards

**Report for Key/  
Non-Key Decision:** Key Decision

## 1. Describe the issue under consideration

- 1.1. In October 2021 Cabinet agreed with the proposed design work for the refurbishment of the Civic Centre, including the provision of an annex extension, and for the Council to progress design development for the scheme. To facilitate this, Cabinet approved the award of a multidisciplinary design services contract for this work.
- 1.2. A competitive tender process had been undertaken via the Council's Dynamic Procurement System (DPS) under the multi-disciplinary services category for the Civic Centre project, in which Hawkins Brown Design Ltd had emerged as the preferred bidder. A compliant tender had been returned, with the Form of Tender signed, by Hawkins Brown Design Ltd.
- 1.3. The report submitted to Cabinet on 12<sup>th</sup> October 2021 recommended that Cabinet:  
*Approve the award of a contract to Hawkins Brown Ltd for the maximum sum of £3,110,999.89 for RIBA stages 2-6 design services for the Civic Centre refurbishment project and annex project, in accordance with contract standing order 9.07.1d. Noting that should we not proceed with the annex option at any stage during the design development; then the project fees will be reduced accordingly.*
- 1.4. The October 2021 Cabinet report therefore incorrectly requested that the award should be made to Hawkins Brown Ltd, which is not the name of the company that was the preferred bidder that submitted the tender for the contract. The correct company is Hawkins Brown Design Ltd, and this report seeks to rectify the mistake made in the October 2021 report and the decision that was based on it.
- 1.5. Hawkins Brown Ltd is a dormant company who are not registered in the Council's DPS and did not participate in the tender. Hawkins Brown Design Ltd is registered to the DPS and is the company that was identified through the DPS tender process as the preferred bidder and is the company that Cabinet is now being asked to confirm approval of the contract award to.

## 2. Cabinet Member Introduction

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- 2.1. As this report is being presented to the Cabinet Member for Council House Building, Placemaking and Development, Cabinet Member introduction is not required.

### **3. Recommendations**

- 3.1. For the Cabinet Member for Council House Building, Placemaking and Development to approve, in accordance with Contract Standing Order 9.07.1d, the revised award of the contract for RIBA stages 2-6 design services for the Civic Centre refurbishment project to Hawkins Brown Design Ltd instead of to Hawkins Brown Ltd for the maximum sum of £3,110,999.89.

### **4. Reasons for decision**

- 4.1. Cabinet confirmed their commitment to the Civic Centre project in January 2022, approving the project business case and design development up to Planning Application stage. Revising approval of the contract award to confirm that the approval should have been to award the contract to Hawkins Brown Design Ltd and not to Hawkins Brown Ltd will allow the formal contract to be concluded with the appropriate company and allow design development to continue, as per Cabinet's wishes, with the formal contract in place.
- 4.2. The decision taken by Cabinet to invest in the Civic Centre provides for the quickest delivery of high-quality Council Civic headquarters in Wood Green. This decision was made in the context of the Civic Centre's listing and the need to spend a significant sum on the building in any case to protect it. Concluding the Hawkins Brown Design Ltd contract and progressing the remaining RIBA Stages will allow the Council to realise this ambition.
- 4.3. The report recommends approving a revised award of the multi-disciplinary design services contract to Hawkins Brown Design Ltd for RIBA Stages 2-6, which was the intention in October 2021. Cabinet approval in October 2021 of the award to Hawkins Brown Ltd was done based on an error in the drafting of the report to Cabinet. The Council has progressed work on future working styles and locality presence which helped inform the decision taken in January 2022 to continue with the project to refurbish the existing Civic Centre and develop the former car park site. The decision to approve the revised contract award will allow the Council to progress the true intentions of the October 2021 report and allow the Council to work to outcomes of the January 2022 report.

### **5. Alternative options considered**

- 5.1. Following the decision in January 2022, to restore, refurbish and extend the Civic Centre and bring the building back into use by the Council as its new Headquarters and Civic Centre functions building, design development work has continued. Other site use options have been tested but not progressed further because the combined uses do not work well on the site and the number of housing units which could be delivered on site is lower than originally envisaged and the start of a housing project would need to be delayed until after the Civic Centre project.

5.2. The alternative to the Civic Centre design services contract award approval being revised to correctly identify Hawkins Brown Design Ltd as the company meant to be awarded the contract would be to retender. This would require significant amount of Officer time to retender the services listed in Section 6 - Background Information. After Cabinet's decision to approve the award of the contract in October 2021, Hawkins Brown Design Ltd were allowed to proceed with the work and to invoice and be paid for it despite the error in the terms of Cabinet's contract award approval. The Council is happy with the quality of services provided by Hawkins Brown Design Ltd to date and there is no guarantee that any other consultancy will provide the same standard of service.

## **6. Background information**

6.1. In August 2019 officers completed a compliant procurement process for consultant services for the Civic Centre project via the London Construction Programme DPS. These services include:

- Lead Consultant inclusive of Architect, Contract Administrator and Building Surveyor
- Structural Engineer/Civic Engineer
- Mechanical & Electrical Engineer
- Principal Designer
- BREEAM Assessor
- Landscape Architect
- Consultant BIM Manager.

6.2. Tenderers in that process were asked to provide a lump sum cost for the RIBA Stage 1 feasibility work and a fee percentage for two scenarios for RIBA stages 2 – 6, based on potential value of the construction contract being either £10m - £29.999m or £30m - £50m. Tenders were evaluated based on their qualitative delivery proposals and pricing, with the pricing element being based on the lump sum RIBA Stage 1 feasibility study and an average of the two estimated construction cost scenarios. Hawkins Brown Design Ltd provided the most economically advantageous bid achieving the highest overall mark when cost and quality scores were combined. Hawkins Brown Design Ltd represented best value for money.

6.3. Following the DPS tender process, Hawkins Brown Design Ltd were initially appointed in 2020 as the multidisciplinary design team to carry out the RIBA stage 1 feasibility study. The original Hawkins Brown Design Ltd appointment for the feasibility work, valued at £233,999.00, was done by approval under a Delegated Authority decision.

6.4. Hawkins Brown Design Ltd.'s tender submitted as part of the above DPS tender process also covered a submission for design stages 2 – 6 which was deemed to provide the best value for money in delivering the design work for the Civic Centre refurbishment and any future new additional accommodation. However, the stage 2 – 6 work was not awarded immediately.

6.5. Following completion of the RIBA stage 1 feasibility works for the Civic Centre refurbishment project, in October 2021 Cabinet authority was requested to award the further RIBA stage 2 – 6 work. The report to Cabinet (listed in paragraph 10.1 below) outlined in full the outcome of the evaluation of the tenders submitted in the DPS tender process. However, the report's recommendation inadvertently

asked for approval to award the contract not to Hawkins Brown Design Ltd but to Hawkins Brown Ltd instead. In October 2021, Cabinet granted the approval as requested to the latter company instead of the former.

- 6.6. The recommendation in this report allows the Council to revise the approval of the award of the design services contract to confirm the contract award to the company that tendered, Hawkins Brown Design Ltd, as intended for a sum that will not exceed £3,110,999.89.

### **7. Contribution to strategic outcomes**

- 7.1. Borough Plan Economy Priority: Outcome 17: Investment with local people at its heart, focused on Tottenham and Wood Green.
- 7.2. Borough Plan Your Council Priority: Outcome 20: We will be a Council that uses its resources in a sustainable way to prioritise the needs of the most vulnerable residents.

### **8. Statutory Officers comments**

#### **8.1 Finance**

8.1.1 This report recommends the award of the revised contract for RIBA stages 2-6 design services for the Civic Centre refurbishment project to Hawkins Brown Design Ltd instead of to Hawkins Brown Ltd for the maximum sum of £3.1m.

8.1.2 A total sum of approximately £1.1m was spend last financial year on the Civic Centre capital works. There is circa £66.3m earmarked for this works in the draft capital programme MTFs, including FY 2021/22. The total cost of this proposal will be fully met from the Council's capital programme, under capital scheme 330 – Civic Centre Works.

#### **8.2 Procurement**

8.2.1 Strategic Procurement recognises and confirms that the original Cabinet approval in Oct. 21 was for an award to an incorrect company but notes that no challenges or questions were raised at the time. Nonetheless a lessons learnt process will take place to ensure all procurement staff are aware of the importance of identifying successful bidder companies in contract award reports by their correct company name.

8.2.2 Apart from the issue of the incorrect company name being in the original Cabinet Report, Procurement sees no material issues with this procurement.

#### **8.3 Legal**

8.3.1 The Head of Legal and Governance (Monitoring Officer) has been consulted in the preparation of the report.

8.3.2 A report seeking the award of the contract which this report relates to was taken to Cabinet in Oct. 2021. The recommendation should have been to award the contract to Hawkins Brown Design Ltd (HBDL), the company that tendered and was found to have the most economically advantageous tender. Instead, it appears that, through inadvertence, the report recommended approval of the

award of the contract to the wrong company, Hawkins Brown Ltd (HBL), which is an associated company of the company that tendered. The approval sought in the Cabinet report was granted by Cabinet.

8.3.3 This error in the contract award approval has recently been picked up and this report seeks to correct the error made by seeking revised approval for the contract award as set out in the recommendations in paragraph 3 of the report. In the meanwhile, it appears that the personnel of the correct company, HBDL, has been carrying out the services deliverable under the contract pending formal conclusion of the contract. The corrected approval is required to allow the contract to be formally finalised with the correct company and to avoid or minimise risk to the Council arising from the error made.

8.3.4 To avoid this type of problem recurring, it is advisable that more careful checks be carried out by relevant officers at the time that contract award approvals are being sought in future.

8.3.5 Nonetheless, in accordance with Contract Standing Order 9.07.1(d) and 16.02 a Cabinet Member, once allocated responsibility for taking the decision by the Leader, has authority to approve the award of a contract as requested in the recommendations in paragraph 3.

8.3.6 The Head of Legal and Governance (Monitoring Officer) is not aware of any legal reasons preventing the approval of the recommendations in paragraph 3 of the report.

#### 8.4 Equality

8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- 1) Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- 2) Advance equality of opportunity between people who share those protected characteristics and people who do not;
- 3) Foster good relations between people who share those characteristics and people who do not.

8.4.2 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey treats socioeconomic status as a locally protected characteristic.

8.4.3 The following measures have ensured that the works comply with the Council's equalities duties:

- 1) The Civic Centre project design team includes an access consultant that will ensure that the Civic Centre refurbishment and annex extension will include design measures to ensure the building is genuinely accessible for all staff and residents, going beyond the minimum requirements that are set out as part of Building Regulations.



- 2) The building's design will be progressed to ensure that the building provides autism friendly environments, faith rooms, gender neutral toilets and accessibility to disabled users.
- 3) The design services contract has been procured with equality in mind. The procurement was evaluated with a 60%/40% quality/cost weighting. Part of the quality evaluation process focused on the supplier's ability to provide employment opportunities, apprenticeships, training and mentoring opportunities and the support of local supply chains.

**9. Use of Appendices**

None

**10. Local Government (Access to Information) Act 1985**

10.1. Civic Centre Refurbishment (and Extension) Works – October 2021 Cabinet Report, Part A (public) and Part B (exempt)

10.2. Update on Council Owned Sites – September 2020 Cabinet Report

<https://www.minutes.haringey.gov.uk/documents/s117816/200900%20Cabinet%20September%20WG%20Update%20CLEARING%20v3%20final.pdf>

10.3. Council Owned Sites in Wood Green – July 2019 Cabinet Report

<https://www.minutes.haringey.gov.uk/documents/s110207/1907CouncilOwnedSitesinWoodGreenFINAL%205.30pm.pdf>